IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 35 OF 2005

IN

SUMMARY SUIT NO. 2807 OF 2004

M/s. Protochem Industries P.ltd .....Plffs.
vs.
Milind Padwal .....Defnds.

Ms. More i/b. Patil Gangarkar for the plaintiffs.
Himanshu Kode for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 18th October, 2005.

P.C. :.

1. Learned counsel for the plaintiff states that the file of the documents which have been referred to and relied upon in the suit is not traceable. In that view of the matter unconditional leave to defend has to be granted because in the absence of original documents secondary evidence will have to

be laid to satisfy the requirement of Section 63 read with Section 65 of the Indian Evidence Act.

2. Suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes. Summons for Judgment dismissed.

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